IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

WP(C).No. 23851 of 2007(M)

OS.818/1996 of MUNSIFF COURT,CHAVAKKAD

.....

PETITIONER:

BALAKRISHNAN, S/O.AYYAPPU,
ORUMANAYOOR AMSOM, DESOM, CHAVAKKAD TALUK,
REPRESENTED BY HIS POWER OF ATTORNEY AND WIFE
PRAMEELA BALAKRISHNAN, ORUMANAYOOR AMSOM, DESOM,
CHAVAKKAD TALUK.

BY ADV. SRI.RAJIT
SRI.RANJIT BABU

RESPONDENT:

THOMAS, S/O.PAREKKATTIL MATHAI,
ATHANI DESOM, MINALUR VILLAGE,
THALAPPILLY TALUK.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No. 23851 OF 2007 M

Dated this the 6th August,2007.

JUDGMENT

This writ petition is filed to set aside the sale effected in E.P.21/00 in O.S.818/96. It is averred that he was in gulf countries having a very menial income and the property has been sold for a paltry amount and being a residential house he and his family would be in the streets if delivery is effected. I do not find any legal ground to interfere with the decision for the reason that sale has been confirmed, no petition to set aside the sale has been filed, no application under Order XXI Rule 89 CPC was also filed and therefore the orders passed by the court are in order. But considering the fact that a sudden eviction from the house may cause embarassment I direct the court below to defer the delivery by one month from today and meanwhile if the petitioner is able to convince the decree holder he may do so and get his remedies worked out in co-operation with the decree holder. With these observations writ petition is disposed of.

M.N.KRISHNAN
Judge

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